

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

CRISTOBAL ALVAREZ, <i>et al.</i> ,	)	
Plaintiffs,	)	
	)	
v.	)	CAUSE NO.: 2:17-CV-414-JVB-JEM
	)	
ATLANTIC RICHFIELD COMPANY, <i>et al.</i> ,	)	
Defendants.	)	

**ORDER**

This matter is before the Court on Plaintiffs' Notice of Voluntary Dismissal Without Prejudice [DE 73], filed by Plaintiffs on March 9, 2018.

In the notice, Plaintiffs purport to dismiss their complaint under Federal Rule of Civil Procedure 41(a)(1)(A)(i) as to Defendants Mining Remedial Recovery Company, Arava Natural Resourced Company, Inc., and Mueller Industries, Inc. However, Rule 41(a) applies to dismissal of an action and not as to dismissal of only some claims brought in an action. However, courts have read Rule 41 to permit dismissal of less than an entire action under Rule 41 based on the agreement of the parties. *See Myer v. Nationstar Mortg. LLC*, 4:14cv23, 2014 WL 2095217, at \*1 (N.D. Ind. May 19, 2014) (citing *Gatling v. Nickel*, 275 F.R.D. 495, 496 (E.D. Wis. 2011)).

Therefore, the Court hereby **GRANTS** the request implied within Plaintiffs' Notice of Voluntary Dismissal Without Prejudice [DE 73] and **ORDERS** that Plaintiffs' claims against Defendants Mining Remedial Recovery Company, Arava Natural Resourced Company, Inc., and Mueller Industries, Inc. are **DISMISSED without prejudice**.

SO ORDERED on November 19, 2019.

s/ Joseph S. Van Bokkelen  
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JOSEPH S. VAN BOKKELEN, JUDGE  
UNITED STATES DISTRICT COURT